

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
DONALD C. HUTCHINS	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Action: 04-30126-MAP
	)	
CARDIAC SCIENCE, INC.	)	
	)	
Defendant	)	
_____	)	

**DEFENDANT COMPLIENT CORPORATION'S MEMORANDUM IN OPPOSITION  
TO PLAINTIFF'S MOTION TO TRANSFER**

Plaintiff Donald C. Hutchins' ("Hutchins") Motion to Transfer CA-04-30126-MAP to the Eastern Massachusetts Division Under L.R. 40.1(F) (the "Motion to Transfer") should be denied. There is simply no factual or legal basis to warrant the transfer of this case to the Eastern Division at this late stage of the proceedings. Accordingly, Compliant respectfully requests that Hutchins' eleventh-hour Motion to Transfer be denied.

Hutchins claims that the transfer of this case to the Eastern Division is necessary due to the "complicated" nature of the case, the "138 docketed entries," and the alleged "addition of several parties" to this case. There are three parties to this case, one of whom, namely Defendant Cardiac Science, was granted summary judgment months ago. Further, of the "138 docketed entries," Hutchins is responsible for at least 75 such entries, many of which constitute repeated requests for the reversal of previous decisions made by the Court, are alleged "amendments" to

prior denied motions by Hutchins and/or are repeated unfounded requests for temporary restraining orders or incorrect attempts to remove cases pending in other courts. This case is not at all complicated -- it simply boils down to the fact that Hutchins does not like the contract he entered into nearly 16 years ago that underlies his claims in this case.

Hutchins also claims that a transfer of this case to Boston would not inconvenience the Defendants and that such a transfer is in keeping with his claimed right to a speedy trial. Hutchins has no right to a trial relative to Cardiac Science, given the grant of summary judgment in Cardiac Science's favor. Further, Compliant's Motion for Summary Judgment is also pending and clearly establishes that there are no genuine issues of material fact for trial of the claims in this case. As a result, and given that this case is in the very late stage of motion practice, transfer of this case would certainly work a substantial hardship on Defendants.

Accordingly, Compliant respectfully requests that Hutchins' Motion to Transfer be denied.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

A copy of the foregoing Defendant Compliant Corporation's Memorandum in Opposition to Plaintiff's Motion to Transfer is being served by operation of the Court's electronic filing system and First Class United States Mail this 20 day of January, 2006, upon:

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/s/ John J. Egan  
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